

**[DISCUSSION DRAFT]**116TH CONGRESS  
1ST SESSION**H. R.** \_\_\_\_\_

To direct the Attorney General to review, revise, and develop law enforcement and justice protocols appropriate to address missing and murdered Indians, and for other purposes.

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**IN THE HOUSE OF REPRESENTATIVES**

Mrs. TORRES of California introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To direct the Attorney General to review, revise, and develop law enforcement and justice protocols appropriate to address missing and murdered Indians, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as “Savanna’s Act”.

5       **SEC. 2. FINDINGS AND PURPOSES.**

6       (a) FINDINGS.—Congress finds the following:

1           (1) On some reservations, Indian women are  
2           murdered at more than 10 times the national aver-  
3           age.

4           (2) American Indians and Alaska Natives are  
5           2.5 times as likely to experience violent crimes—and  
6           at least 2 times more likely to experience rape or  
7           sexual assault crimes—compared to all other races  
8           according to the National Congress of American In-  
9           dians.

10          (3) More than 4 in 5 American Indian and  
11          Alaska Native women, or 84.3 percent, have experi-  
12          enced violence in their lifetime according to the Na-  
13          tional Institute of Justice.

14          (4) More than 4 in 5 American Indian and  
15          Alaska Native men, or 81.6 percent, have experi-  
16          enced violence in their lifetime according to the Na-  
17          tional Institute of Justice.

18          (5) According to the Centers for Disease Con-  
19          trol and Prevention, homicide is the third leading  
20          cause of death among American Indian and Alaska  
21          Native women and girls between 10 and 24 years of  
22          age and the fifth leading cause of death for Amer-  
23          ican Indian and Alaska Native women between 25  
24          and 34 years of age.

1           (6) Investigation into cases of missing and mur-  
2       dered Indian women is made difficult for Tribal law  
3       enforcement agencies due to a lack of resources,  
4       such as—

5           (A) necessary training, equipment, or  
6       funding;

7           (B) a lack of interagency cooperation; and

8           (C) a lack of appropriate laws in place.

9       (7) The complicated jurisdictional scheme that  
10      exists in Indian country—

11           (A) has a significant negative impact on  
12      the ability to provide public safety to Indian  
13      communities;

14           (B) has been increasingly exploited by  
15      criminals; and

16           (C) requires a high degree of commitment  
17      and cooperation among Tribal, Federal, and  
18      State law enforcement officials.

19      (8) In states with restrictive land settlement  
20      acts such as Maine and Alaska, “Indian country” is  
21      limited, resources for local tribal responses either  
22      nonexistent or insufficient to meet the needs, and ju-  
23      risdiction is unnecessarily complicated and increases  
24      the already high levels of victimization of American  
25      Indian and Alaska Native women. According to the

1 Indian Law and Order Commission Report, Alaska  
2 Native women are over-represented in the domestic  
3 violence victim population by 250 percent; they com-  
4 prise 19 percent of the state population, but are 47  
5 percent of reported rape victims. These issues are  
6 further complicated as the Indian Law and Order  
7 Commission Report noted that at least 30 percent of  
8 villages lack any law enforcement at all.

9 (b) PURPOSES.—The purposes of this Act are—

10 (1) to clarify the responsibilities of Federal,  
11 State, Tribal, and local governments and law en-  
12 forcement agencies with respect to responding to  
13 cases of missing and murdered Indians;

14 (2) to increase coordination and communication  
15 among Federal, State, Tribal, and local law enforce-  
16 ment agencies, including medical examiner and cor-  
17 oner offices;

18 (3) to empower Tribal governments with the re-  
19 sources and information necessary to effectively re-  
20 spond to cases of missing and murdered Indians, in-  
21 cluding Tribes located in any State known as a  
22 “PL–280 State”; and

23 (4) to increase the collection of data related to  
24 missing and murdered Indian men, women, and chil-  
25 dren and the sharing of information among Federal,

1 State, and Tribal officials responsible for responding  
2 to and investigating cases of missing and murdered  
3 Indians by clarifying and correcting limitation in the  
4 federal database.

5 **SEC. 3. IMPROVING TRIBAL ACCESS TO DATABASES.**

6 (a) TRIBAL ENROLLMENT INFORMATION.—The At-  
7 torney General shall provide training to law enforcement  
8 agencies regarding how to record the Tribal enrollment in-  
9 formation or affiliation, as appropriate, of a victim in Fed-  
10 eral databases.

11 (b) CONSULTATION.—

12 (1) INITIAL CONSULTATION.—Not later than  
13 180 days after the date of enactment of this Act, the  
14 Attorney General, in cooperation with the Secretary  
15 of the Interior, shall complete a formal consultation  
16 with Indian Tribes on how to further improve Tribal  
17 data relevance and access to databases.

18 (2) ANNUAL CONSULTATION.—Section 903(b)  
19 of the Violence Against Women and Department of  
20 Justice Reauthorization Act of 2005 (34 U.S.C.  
21 20126) is amended—

22 (A) by striking paragraph (2) and insert-  
23 ing the following:

24 “(2) enhancing the safety of Indian women  
25 from domestic violence, dating violence, obstruction

1 of justice, sexual assault, homicide, stalking, and sex  
2 trafficking;”;

3 (B) in paragraph (3), by striking the pe-  
4 riod at the end and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(4) improving access to local, regional, State,  
7 and Federal crime information databases and crimi-  
8 nal justice information systems.”.

9 (c) NOTIFICATION.—Not later than 180 days after  
10 the date of enactment of this Act, the Attorney General  
11 shall—

12 (1) develop and implement a dissemination  
13 strategy to notify the public of the National Missing  
14 and Unidentified Persons System; and

15 (2) conduct specific outreach to Indian Tribes  
16 regarding the ability to publicly enter information,  
17 through the National Missing and Unidentified Per-  
18 sons System or other non-law enforcement sensitive  
19 portal, regarding missing persons, which may in-  
20 clude family members and other known acquaint-  
21 ances.

22 **SEC. 4. GUIDELINES FOR RESPONDING TO CASES OF MISS-**  
23 **ING AND MURDERED INDIANS.**

24 (a) IN GENERAL.—Not later than 60 days after the  
25 date on which the consultation described in section

1 902(c)(1) is completed, the Attorney General shall direct  
2 United States attorneys to develop regionally appropriate  
3 guidelines to respond to cases of missing and murdered  
4 Indians that shall include—

5 (1) guidelines on inter-jurisdictional cooperation  
6 among law enforcement agencies at the Tribal, Fed-  
7 eral, State, and local levels, including inter-jurisdic-  
8 tional enforcement of protection orders and detailing  
9 specific responsibilities of each law enforcement  
10 agency;

11 (2) best practices in conducting searches for  
12 missing persons on Indian lands;

13 (3) standards on the collection, reporting, and  
14 analysis of data and information on missing persons  
15 and unidentified human remains, and information on  
16 culturally appropriate identification and handling of  
17 human remains identified as Indian, including guid-  
18 ance stating that all appropriate information related  
19 to missing and murdered Indians be entered in a  
20 timely manner into applicable databases;

21 (4) guidance on which law enforcement agency  
22 is responsible for inputting information into appro-  
23 priate databases under paragraph (3) if the Tribal  
24 law enforcement agency does not have access to  
25 those appropriate databases;

1           (5) guidelines on improving law enforcement  
2           agency response rates and follow-up responses to  
3           cases of missing and murdered Indians on and off  
4           Indian lands;

5           (6) guidelines on ensuring access to culturally  
6           appropriate victim services for victims and their  
7           families; and

8           (7) guidelines on improving law enforcement  
9           agency communication with families of victims to en-  
10          sure timely notification and dissemination of appro-  
11          priate information in the cases of missing and mur-  
12          dered Indians on and off Tribal lands.

13          (b) CONSULTATION.—United States attorney shall  
14          develop the guidelines required under subsection (a) in  
15          consultation with Indian Tribes and other partners, in-  
16          cluding—

17               (1) the Department of Justice;

18               (2) the Federal Bureau of Investigation;

19               (3) the Department of the Interior;

20               (4) the Bureau of Indian Affairs;

21               (5) Tribal, State, and local law enforcement  
22          agencies;

23               (6) medical examiners;

24               (7) coroners;



1           (8) Tribal, State, and local organizations that  
2       provide victim services; and

3           (9) national or regional tribal organizations  
4       with relevant expertise.

5       (c) COMPLIANCE.—

6           (1) IN GENERAL.—Not later than 1 year after  
7       the date of enactment of this Act, the United States  
8       attorneys shall incorporate the guidelines developed  
9       under subsection (a) into existing policies and proce-  
10      dures, and implement such guidelines.

11          (2) MODIFICATION.—Each Federal law enforce-  
12      ment agency shall modify the guidelines, policies,  
13      and protocols of the agency to incorporate the guide-  
14      lines developed under subsection (a).

15          (3) DETERMINATION.—Not later than the end  
16      of each fiscal year beginning after the date the  
17      guidelines are established under this section and in-  
18      corporated under this subsection, the Attorney Gen-  
19      eral shall determine whether each Tribal, State, and  
20      local law enforcement agency has incorporated  
21      guidelines into their respective guidelines, policies,  
22      and protocols, and any barriers the agency reported  
23      in collecting and providing the information.

24          (4) ACCOUNTABILITY.—Not later than 30 days  
25      after compliance determinations are made each fiscal

1 year in accordance with paragraph (3), the Attorney  
2 General shall—

3 (A) disclose and publish, including on the  
4 website of the Department of Justice, the name  
5 of each Tribal, State, or local law enforcement  
6 agency that the Attorney General has deter-  
7 mined has incorporated guidelines in accord-  
8 ance with paragraph (3);

9 (B) if a law enforcement agency described  
10 in subparagraph (A) subsequently receives a de-  
11 termination of compliance in accordance with  
12 paragraph (3), the Attorney General shall—

13 (i) immediately correct the applicable  
14 record;

15 (ii) not later than 3 days after the de-  
16 termination, add the record to the website  
17 of the Department of Justice and any  
18 other location where the record was pub-  
19 lished; and

20 (C) collect guidelines of each agency into a  
21 resource of examples and best practices that  
22 can be used by other law enforcement agencies  
23 seeking to create and implement such guide-  
24 lines.

25 (d) TRAINING AND TECHNICAL ASSISTANCE.—

1           (1) IN GENERAL.—The Attorney General shall  
2       use the National Indian Country Training Initiative  
3       to provide training and technical assistance to In-  
4       dian Tribes and law enforcement agencies on—

5           (A) implementing the guidelines developed  
6       under subsection (a) or developing and imple-  
7       menting locally specific guidelines or protocols  
8       for responding to cases of missing and mur-  
9       dered Indians; and

10          (B) using the National Missing and Un-  
11       identified Persons System and accessing pro-  
12       gram services that will assist Indian Tribes  
13       with responding to cases of missing and mur-  
14       dered Indians.

15          (2) EXCEPTION.—the Attorney General may  
16       provide the training described in paragraph (1)  
17       through local state law enforcement academies if—

18           (A) the Attorney General determines that  
19       the such academies will provide trainings that  
20       meet the same standards and utilize the cur-  
21       riculum as trainings provided by the National  
22       Indian Country Training Initiative; and

23           (B) that relevant state, tribal, and local  
24       law enforcement agencies have consented to the  
25       training being provided by such academies,

1           rather than the National Indian Country Train-  
2           ing Initiative.

3 **SEC. 5. IMPLEMENTATION AND INCENTIVES.**

4       (a) IMPLEMENTATION.—

5           (1) GRANTS TO IMPROVE THE CRIMINAL JUST-  
6       TICE RESPONSE.—Section 2101(b) of part U of title  
7       I of the Omnibus Crime Control and Safe Streets  
8       Act of 1968 (34 U.S.C. 10461(b)), as amended by  
9       this Act, is further amended by adding at the end  
10      the following:

11           “(26) To develop, strengthen, and implement  
12      policies, protocols, and training for law enforcement  
13      regarding cases of missing and murdered Indians, as  
14      described in section 4 of Savanna’s Act.

15           “(27) To compile and annually report data to  
16      the Attorney General related to missing and mur-  
17      dered Indians, as described in section 6 of Savanna’s  
18      Act.”.

19           (2) GRANTS TO INDIAN TRIBAL GOVERN-  
20      MENTS.—Section 2015(a) of part T of title I of the  
21      Omnibus Crime Control and Safe Streets Act of  
22      1968 (34 U.S.C. 10452(a) is amended—

23           (A) in paragraph (9), by striking “and” at  
24      the end;

1 (B) in paragraph (10), by striking the pe-  
2 riod at the end and inserting a semicolon; and

3 (C) by adding at the end the following:

4 “(11) to develop, strengthen, and implement  
5 policies, protocols, and training for law enforcement  
6 regarding cases of missing and murdered Indians, as  
7 described in section 4 of Savanna’s Act; and

8 “(12) to compile and annually report data to  
9 the Attorney General related to missing and mur-  
10 dered Indians, as described in section 6 of Savanna’s  
11 Act.”.

12 (b) INCENTIVES.—

13 (1) GUIDELINES.—For law enforcement agen-  
14 cies that the Attorney General determines to have  
15 incorporated guidelines in accordance with section 4,  
16 the Attorney General shall increase the amount pro-  
17 vided to that government through the grants under  
18 parts T and U of title I of the Omnibus Crime Con-  
19 trol and Safe Streets Act of 1968 and by no more  
20 than five percent for two years following the finding  
21 of compliance.

22 (2) DATA REPORTING.—For law enforcement  
23 agencies that the Attorney General has determined  
24 submitted the information requested under para-  
25 graph (1) for the fiscal year in which the report was

1 published, the Attorney General shall increase the  
2 amount provided to that government through grants  
3 under parts T and U of title I of the Omnibus  
4 Crime Control and Safe Streets Act of 1968 by no  
5 more than five percent over the previous year for not  
6 more than 2 fiscal years after the determination  
7 under this paragraph.

8 **SEC. 6. ADDITIONAL ANNUAL REPORTING REQUIREMENTS.**

9 (a) ANNUAL REPORTING.—Beginning in the first fis-  
10 cal year after the date of enactment of this Act, the Attor-  
11 ney General shall include in its annual Indian Country In-  
12 vestigations and Prosecutions report to Congress informa-  
13 tion that—

14 (1) includes known statistics on missing Indians  
15 in the United States, available to the Department of  
16 Justice, including—

17 (A) age;

18 (B) gender;

19 (C) Tribal enrollment information or affili-  
20 ation, if available;

21 (D) the current number of open cases per  
22 State;

23 (E) the total number of closed cases per  
24 State each calendar year, from the most recent  
25 10 calendar years; and

1 (F) other relevant information the Attor-  
2 ney General determines is appropriate;

3 (2) includes known statistics on murdered Indi-  
4 ans in the United States, available to the Depart-  
5 ment of Justice, including—

6 (A) age;

7 (B) gender;

8 (C) Tribal enrollment information or affili-  
9 ation, if available;

10 (D) the current number of open cases per  
11 State;

12 (E) the total number of closed cases per  
13 State each calendar year, from the most recent  
14 10 calendar years; and

15 (F) other relevant information the Attor-  
16 ney General determines is appropriate;

17 (3) maintains victim privacy to the greatest ex-  
18 tent possible by excluding information that can be  
19 used on its own or with other information to iden-  
20 tify, contact, or locate a single person, or to identify  
21 an individual in context; and

22 (4) includes—

23 (A) an explanation of why the statistics de-  
24 scribed in paragraph (1) may not be com-  
25 prehensive; and

1 (B) recommendations on how data collec-  
2 tion on missing and murdered Indians may be  
3 improved, including by addressing cross-juris-  
4 dictional barriers at the State, local, and tribal  
5 law enforcement level.

6 (b) COMPLIANCE.—

7 (1) IN GENERAL.—Beginning in the first fiscal  
8 year after the date of enactment of this Act, and an-  
9 nually thereafter, for the purpose of compiling accu-  
10 rate data for the annual report required under sub-  
11 section (a), the Attorney General shall request all  
12 Tribal, State, and local law enforcement agencies to  
13 submit to the Department of Justice, to the fullest  
14 extent possible, all relevant information collected by  
15 the agency, as determined by the Attorney General  
16 in consultation with Indian Tribes.

17 (2) DISCLOSURE.—The Attorney General shall  
18 disclose and publish annually, including on the  
19 website of the Department of Justice, the name of  
20 each Tribal, State, or local law enforcement agency  
21 that the Attorney General has determined has sub-  
22 mitted the information requested under paragraph  
23 (1) for the fiscal year in which the report was pub-  
24 lished.



1 (c) INCLUSION OF GENDER IN MISSING AND UN-  
2 IDENTIFIED PERSONS STATISTICS.—Beginning in the  
3 first calendar year after the date of enactment of this Act,  
4 and annually thereafter, the Federal Bureau of Investiga-  
5 tion shall include gender in its annual statistics on missing  
6 and unidentified persons published on its public website.

7 **SEC. 7. DEFINITIONS.**

8 In this Act:

9 (1) DATABASES.—The term “databases”  
10 means—

11 (A) the National Crime Information Center  
12 database;

13 (B) the Combined DNA Index System;

14 (C) the Next Generation Identification  
15 System; and

16 (D) any other database relevant to re-  
17 sponding to cases of missing and murdered In-  
18 dians, including that under the Violent Criminal  
19 Apprehension Program and the National Miss-  
20 ing and Unidentified Persons System.

21 (2) INDIAN.—The term “Indian” means a  
22 member of an Indian Tribe.

23 (3) INDIAN COUNTRY.—The term “Indian coun-  
24 try” has the meaning given the term in section 1151  
25 of title 18, United States Code.

1           (4) INDIAN LAND.—The term “Indian land”  
2       means Indian lands, as defined in section 3 of the  
3       Native American Business Development, Trade Pro-  
4       motion, and Tourism Act of 2000 (25 U.S.C. 4302).

5           (5) INDIAN TRIBE.—The term “Indian Tribe”  
6       has the meaning given the term “Indian tribe” in  
7       section 4 of the Indian Self-Determination and Edu-  
8       cation Assistance Act (25 U.S.C. 5304).

9           (6) LAW ENFORCEMENT AGENCY.—The term  
10      “law enforcement agency” means a Tribal, Federal,  
11      State, or local law enforcement agency.